

Why is creepy NRA lawyer CD Michel sending harrassing letters to an underage minor?

Why does the NRA hire creepy lawyers who send letters to underage minors even after the parents ask them to stop?



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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES LINLOR, pro se

Plaintiff,

v.

NATIONAL RIFLE ASSOCIATION OF
AMERICA

Defendant

Case No.: 17-CV-00203 MMA JMA

**PLAINTIFF'S EX-PARTE
MOTION PER CPC 646.91 FOR
EMERGENCY TEMPORARY
AND PERMANENT
RESTRAINING ORDER AGAINST
COUNSEL MICHEL FOR
UNDERAGE NON-PLAINTIFF
HARASSMENT & STALKING**

**MEMORANDUM OF POINTS
AND AUTHORITIES**

Judge Michael M. Anello
Mag. Judge Jan M. Adler

Hearing Date n/a
Time n/a
Courtroom n/a

1. Plaintiff requests for an Emergency Temporary, and with extended Permanent Restraining Order to be placed on Defense Counsel's firm (Michel & Associates, LLP, to include all attorneys thereof) for criminal harassment and stalking of Plaintiff's underage non-party daughter by Defense Counsel Chuck Michel contrary to CPC 646.91 and 646.91A.

MEMORANDUM OF POINTS AND AUTHORITIES

2. Defense Counsel Chuck Michel has received multiple written warnings by Plaintiff (in Motions, the First Amended Complaint, and Declarations) that that Plaintiff's underage daughter is not a party to this case.
3. Defense Counsel Chuck Michel has repeatedly and knowingly filed false and misleading pleadings, motions, and declarations with the Court in violation of FRCP 11(c) claiming that Plaintiff is practicing law without a license, and claiming that Plaintiff's underage daughter is a party to this case, for improper purposes to harass and cause fear to Plaintiff's underage daughter. Her name is listed on all filings by Defense Counsel, despite not being a party to this case, and with this point repeatedly clarified.
4. Defense Counsel Chuck Michel now continues to file pleadings addressed to Plaintiff's underage daughter, making her fearful for her physical safety from his abnormal and perverted attempts to contact her. She is not a party to this case, and Michel has no good reason to contact her, as he continues to do repeatedly over a long period. This is in violation of CPC 646.91.
5. Defense Counsel Chuck Michel has used Plaintiff's address information to obtain contact information for Plaintiff's underage daughter. This is in violation of CPC 646.91A.
6. Plaintiff intends to swear out a criminal complaint against Defense Counsel Chuck Michel with San Diego County law enforcement for violations of CPC 646.91 and 646.91A upon Plaintiff's return to California from his home state of Nevada.
7. This Motion is opposed by Defense Counsel, but they offer no explanation of why they shouldn't be harassing and stalking underage non-parties per CPC 646.91. Apparently they think this is normal and proper. As a father, I can attest that it is not, their behavior is creepy, threatening, and harassing, and my underage daughter feels threatened by Defense Counsel Michel.

- 1 8. Per Judge Anello's Rules, Plaintiff sent a one page fax to Defense Counsel
2 early on 3/30/17, offering to meet-and-confer on this issue. See Exhibit A.
3 9. Instead of a simple reply with a time to meet, and as would be expected, and
4 an apology and promise to cease and desist from contacting Plaintiff's non-
5 party underage daughter, Defense Counsel sent the voluminous, "written
6 vomit" response, that says nothing substantive, is very threatening, and
7 without facts seems to try to justify their rights to threaten non-party,
8 underage dependents of the Plaintiff. See Exhibit A.

9 **PRAYER FOR RELIEF AND RESTRAINING ORDER**

- 10 10. Since Defense Counsel Chuck Michel refuses to stop filing misleading
11 Motions and other filings in violation of FRCP 11(c) despite Plaintiff's
12 Motions to cease and desist, and now Plaintiff's underage daughter is fearful
13 of Defense Counsel Chuck Michel and his associates for physical harm and
14 improper harassment and attempted contact of an underage dependent of the
15 Plaintiff by Michel, Plaintiff prays that the Court issue the attached
16 suggested Temporary Restraining Order (TRO) be granted ex-parte, without
17 oral arguments and immediately, with a hearing as scheduled for permanent
18 extension of the TRO to permanent status to be in effect upon Michel and all
19 members of his law firm.
20

21 **PROPOSED TEXT OF ORDER**

22 For the safety and peace of Plaintiff's underage daughter A.L., Defense Counsel
23 Chuck Michel and all members of his firm Michel and Associates, LLP, are hereby
24 enjoined via this [Temporary] Restraining Order from any and all contacts, filings,
25 or attempts to communicate with the underage non-party A.L. in this case, under
26 sanctions from the Court and criminal penalties under CPC 646.91 if violated.
27 It is so ORDERED.

28 Hon.: _____ Date: _____

EXHIBIT A

Here are Plaintiff's offer, and Defense Counsel's reply (meet and confer) to this proposed Motion. Note that Defense Counsel's reply does not apologies nor agree to any stopping of their behavior against threatening communications with Plaintiff's non-party underage daughter. It was also received around 8p on Thu 3/30/17. Since Plaintiff is in an all-day (from 6:30a onward) school event – with his daughter (and protecting her from potential contacts with Defense Counsel), Plaintiff was unable to meet-and-confer with Defense Counsel on Friday 3/31/17. However, Defense Counsel's position appears to be well-represented in their response, along with their unapologetic refusal to cease and desist. As Chambers indicated on Thursday, 3/30, no date or time is properly assigned for this TRO request, it may be properly filed ex-parte, and therefore Defense Counsel's complaint about the 'lack of a date and time' merely reflects their obfuscation of the issue of them harassing Plaintiff's daughter.

<p>JAMES LINLOR, pro se</p> <p>Plaintiff,</p> <p>v.</p> <p>NATIONAL RIFLE ASSOCIATION OF AMERICA</p> <p>Defendant</p>	<p>Case No.: 17-CV-00203 MMA JMA</p> <p>PLAINTIFF'S EX-PARTE MOTION PER CPC 646.91 FOR EMERGENCY TEAMPORARY AND PERMANENT RESTRAINING ORDER AGAINST COUNSEL MICHEL FOR UNDERAGE NON-PLAINTIFF HARASSMENT & STALKING</p> <p>MEMORANDUM OF POINTS AND AUTHORITIES</p> <p>Judge Michael M. Ancello Mag. Judge Jan M. Adler</p> <p>Hearing Date <u>n/a</u> Time <u>n/a</u> Courtroom <u>n/a</u></p>
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Mr. Michel: 3/30/17 You continue to harass, stalk, name, and send mail to my underage daughter who is not a party to this case. Since you have refused to stop, an ex-parte motion for a TRO will be filed tomorrow under CPC 646.91. Per Judge Ancello's rules, you have one day to meet-and-confer, if you wish to file a response. If so, you may send it to me via email for this one matter only to [REDACTED] Regards, James Linlor, Plaintiff pro se

Linlor v. National Rifle Association [MA-Interwoven.FID71081]

Subject: Linlor v. National Rifle Association [MA-Interwoven.FID71081]

From: Joshua Robert Dale <JDale@michellawyers.com>

Date: 3/30/2017 7:52 PM

To:

Mr. Linlor-

Today we have received a fax of a purported temporary restraining order ("TRO") motion from you. The papers we received consisted of a single two-page document with a one-paragraph statement that claimed Mr. Michel was harassing and stalking your daughter. This receipt follows up our receipt earlier in the week of a "declaration of non-service" filing that not only falsely claimed you had not received Defendants' Motion to Dismiss (even though it was mail-served to the same PO Box as every other document you've thus far received), but which also falsely and irresponsibly accused Mr. Michel of inappropriate contacts with children and of being a sexual predator.

It is unclear what relief you are seeking with your purported TRO or what your aims might be in making laughably false accusations against Mr. Michel. To date, the only contact anyone from this office, including Mr. Michel, has had is directly with you via phone, email, or by mail serving documents to your post office box. No one from this office has attempted to contact your daughter in person, via email, or via telephone at any point in time. No documents from the litigation have been served on your daughter. No one has made any threats against you or your daughter. There are no grounds by which you can claim that either you or your daughter are in immediate fear for your personal safety. Please contact me to discuss what alleged harassment you believe is occurring and what remedy you think will fix it. Because we are not aware of any activity by Defendant or by our office that could be characterized as anything other than very civil discourse and appropriate law and motion filing attendant with our client being sued.

Additionally, it is unclear if or when the threatened TRO will be heard by the Court. You mention in the paper we received that the TRO will be heard sometime tomorrow, yet no date or time for the TRO is identified in the document you faxed us as is minimally required. We have received no notice from PACER or other notice indicating you have filed a request for TRO or documentation with the Court such that it actually will be heard tomorrow. As such, it is unclear on what day and at what time you will be seeking a hearing for your request for a TRO so that we can appear and oppose the request. As discussed above, we will certainly oppose any request for a TRO as not only do allegations of harassment, stalking, and inappropriate contacts with children have zero merit or basis in fact, but your TRO request is also procedurally defective. As one example, you have no standing to seek a TRO under California Penal Code section 646.91 in either state or federal court. As another example, your papers and method of notice are wholly inadequate for obtaining emergency relief.

Given that you know the allegations against Mr. Michel are baseless, and that your daughter has never been contacted by anyone from this office, much less threatened or stalked, if you file the TRO, you will have set yourself up for Rule 11 sanctions. We have practically begged you to stop with your nuisance lawsuit, yet you have persisted with not only pressing baseless and legally unsupported claims, but have wasted our client's and the Court's resources with defective and unsupported filings, repeatedly lied to the Court about issues such as receipt of documents, settlement discussions, and your area of residence, and have made numerous unsubstantiated allegations culminating in one of the most slanderous comments we've ever encountered from a litigation opponent, i.e., that Mr. Michel is a child abuser.

Finally, I strongly caution you to think very, very carefully about repeating any claim that Mr. Michel is a sex offender, has had inappropriate contacts with children, or is a child predator. He is not, and you know you have no basis for claiming he is. There are no journalists or attorneys making such a claim. Mr. Michel is a nationally-renowned firearms attorney with no criminal record and with no allegations ever having been against him about inappropriate contacts with children. You have made these allegations up out of whole cloth for reasons that can only be speculated about at this point. While certain privileges attendant to litigation allow you to make such patently false

1 of 2

3/31/2017 2:45 AM

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claims with some limited protection from liability for such lies, if you make these claims outside the context of your lawsuit, it will constitute slander per se, for which we will vigorously pursue all remedies to prevent you from continuing to harm Mr. Michel's reputation.

I await your call to "meet-and-confer" on your purported TRO request and for an explanation as to your seemingly unexplainable behavior.

Joshua Robert Dale Managing Partner  MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense	Direct: (562) 216-4448 Main: (562) 216-4444 Fax: (562) 216-4445 Email: JDale@michellnwvrs.com Web: www.michellnwvrs.com 180 E. Ocean Blvd. Suite 300 Long Beach, CA 90802
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ATTESTATION

Under Judge Anello's Rules for ex-parte Motions, Plaintiff hereby attests that he has received approval from Chambers for the proper filing of this ex-parte Motion for an Emergency Temporary, and Permanent Restraining Order against Defense Counsel Chuck Michel and all members of his law firm, for harassment and stalking of Plaintiff's underage daughter, who is not a party to this case.

Signed at Reno, Nevada on 3/30/17 Signature: JL (James Linlor)

NO ATTORNEY ASSISTED IN PREPARATION OF THIS DOCUMENT.

Plaintiff certifies that all facts and pleadings are true and correct, under penalty of perjury, and that Defendants were all served a copy of this document via the Court's EF/CMF system.

Respectfully Submitted

Date 3/30/17 Signed JL (James Linlor)

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